

ESTTA Tracking number: **ESTTA191030**

Filing date: **02/06/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181991
Party	Defendant XShares Advisors LLC
Correspondence Address	NINA SHREVE, AIMEE NASSAU GARDINER FITZPATRICK, CELLA, HARPER & SCINTO 30 ROCKEFELLER PLZ NEW YORK, NY 10112-0002 UNITED STATES
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Timothy J. Kelly
Filer's e-mail	tkelly@fchs.com, epagan@fchs.com, docketing@fchs.com
Signature	/tjk/
Date	02/06/2008
Attachments	Suspension Request.pdf ( 3 pages )(83550 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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BARCLAY'S GLOBAL	:	
INVESTORS, N.A.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.: 91181991
	:	
XSHARES ADVISORS, L.L.C.,	:	Serial No.: 77/108,374
	:	
Applicant.	:	
-----X	:	

**JOINT REQUEST FOR A SIXTY (60) DAY SUSPENSION**

The parties in the above-captioned opposition proceeding, Opposer Barclay's Global Investors, N.A. and Applicant Xshares Advisors, L.L.C., hereby jointly move to suspend proceedings for sixty (60) days and to accordingly reset all opposition dates (including the date for Applicant to file its Answer). The request is made because the parties are presently engaged in settlement negotiations, the goal of which will be to resolve the matter without the need to further pursue the opposition. The request is not made for purposes of delay.

Counsel for Applicant, Jennifer B. Hodulik, Esq., of the firm of Greenberg Traurig, L.L.P., has consented to this request, and a Certificate of Service thereon is attached hereto.

Accordingly, subject to the Trademark Trial and Appeal Board's approval of the request set forth herein, the Trial Schedule as originally set forth in the Board's Order of January 18, 2008, should be re-set as follows:

Time to Answer:	4/27/08
Deadline for Discovery Conference:	5/27/08
Discovery Opens:	5/27/08
Initial disclosures Due:	6/26/08
Expert disclosures Due:	10/27/08
Discovery Closes:	11/23/08
Plaintiff's Pretrial Disclosures:	1/7/09
Plaintiff's 30-day Trial Period Ends:	2/21/09
Defendant's Pretrial Disclosures:	3/8/09
Defendant's 30-day Trial Period Ends:	4/22/09
Plaintiff's Rebuttal Disclosures:	5/7/09
Plaintiff's 15-day Rebuttal Period Ends:	6/6/09

Respectfully submitted,

Dated: February 6, 2008

By: 

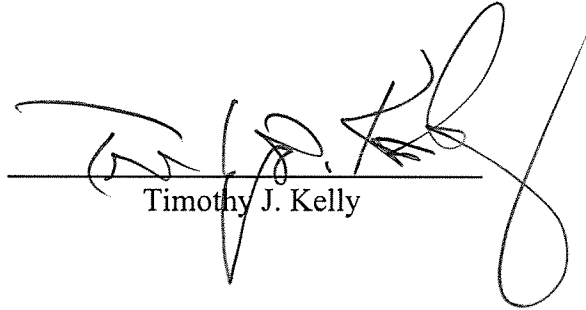
Nina Shreve  
Timothy J. Kelly  
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this the 6<sup>th</sup> day of February, 2008, a true and correct copy of the foregoing JOINT REQUEST FOR A SIXTY (60) DAY SUSPENSION has been served upon counsel for Opposer at the address set forth below, by e-mail and First Class Mail, postage prepaid.

Jennifer B. Hodulik, Esq.  
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Timothy J. Kelly